

UNAPPROVED MINUTES
PLANNING COMMISSION

May 16, 2012

A regular meeting of the Planning Commission of the City of Salem, Virginia, was held in Council Chambers, City Hall, 114 North Broad Street, at 7:00 p.m., on May 16, 2012, there being present the following members of said Commission, to wit: Terrance D. Murphy, Jimmy W. Robertson, Vicki G. Daulton, and Samuel R. Carter, III, (Bruce N. Thomasson – absent); with Terrance D. Murphy, Chair, presiding; together with James E. Taliaferro, II, Assistant City Manager and Executive Secretary, ex officio member of said Commission; Melinda J. Payne, Director of Planning and Development; Charles E. Van Allman, Jr., City Engineer; Benjamin W. Tripp, Planner; Mary Ellen Wines, Deputy Zoning Administrator/Secretary; and William C. Maxwell, Assistant City Attorney; and the following business was transacted:

ON MOTION MADE BY COMMISSION MEMBER DAULTON, SECONDED BY COMMISSION MEMBER CARTER, AND DULY CARRIED, the minutes of the regular meeting held on March 14, 2012, were approved as written – the roll call vote: all present - aye.

In re: Consider amending Chapter 106, Article III Use and Design Standards, Section 106-316.3(C) Accessory uses: residential use types and Article VI Definitions and Use Types, Section 106-602.1 Agricultural use types of THE CODE OF THE CITY OF SALEM, VIRGINIA pertaining to urban agriculture; also consider amending Chapter 106, Article III Use and Design Standards of The CODE OF THE CITY OF SALEM, VIRGINIA by adding Section 106-318 Urban Agriculture

The Executive Secretary reported that this date and time had been set to hold a public hearing to consider amending Chapter 106, Article III Use and Design Standards, Section 106-316.3(C) Accessory uses: residential use types and Article VI Definitions and Use Types, Section 106-602.1 Agricultural use types of THE CODE OF THE CITY OF SALEM, VIRGINIA pertaining to urban agriculture; also consider amending Chapter 106, Article III Use and Design Standards of The CODE OF THE CITY OF SALEM, VIRGINIA by adding Section 106-318 Urban Agriculture; and

WHEREAS, the Executive Secretary further reported that notice of such hearing had been published in the May 2 and 9, 2012, issues of The Roanoke Times; and

WHEREAS, staff noted the following: this request is to amend Chapter 106, Article IV Use and Design Standards, Section 106-316(C) and Article VI Definitions and Use Types, Section 106-602.1 pertaining to urban agriculture; the second part of the request is to consider amending Chapter 106, Article III Use and Design Standards by adding Section 106-318 Urban Agriculture; over the last several years there has been an increase in popularity of urban agriculture throughout the nation, and Salem is not exempt; acknowledging this trend and in recognition of citizens' desires, City Council requested that staff research and determine the applicability of allowing the keeping of chickens as part of the Comprehensive Plan review; and the following recommendations are in recognition that there may be viable agricultural uses accessory to single family dwellings; and

WHEREAS, Mary Ellen Wines, Deputy Zoning Administrator/Secretary, appeared before the Commission explaining the proposed ordinance amendments; she noted that City Council requested staff research the keeping of chickens as a residential accessory use; in doing this research, staff considered many options and did a lot of research including contacting other localities as well as the Virginia Cooperative Extension Service and also looked at the State Code for regulations there; she noted that the minimum lot size selected is $\frac{1}{4}$ of an acre, which is 10,890 square feet; staff feels that this minimum lot size accommodates most of the residents who have considered keeping chickens at this time; the lot size is smaller than most other localities, but it was felt with the varying lot sizes in the City that this size would be more accommodating; she noted that roosters will be prohibited; chickens shall be kept only for the household's personal consumption – there will be no selling of eggs or slaughtering of the chickens for meat; further, no more than six chickens shall be allowed; she stated that there are requirements for the shelters, sanitation, etc.; she noted that the Cooperative Extension Service was contacted to get requirements for the pens; while trying to balance the needs of the chicken owners as well as the neighbors who may not care for them, they also wanted to make sure that the animals were taken care of; the Extension Service recommends 1.5 square feet per hen for the inside of the coop and 8 square feet per hen of outdoor space; this calculates to 56 square feet for six hens so staff rounded this amount up to 64 square feet; she further discussed the setbacks which were researched and noted that it was decided that due to our

smaller lot sizes, the pens must be at least 25 feet from the property lines and at

least 50 feet from any neighboring primary residence; all pens must be located in the rear yards only much like an accessory structure; in addition, the ordinance also addresses the composting or disposal of the chicken litter; administration would be delegated to the Animal Control Office, who will handle the inspections, issuing permits, etc.; further, there will be a \$25 annual fee for a permit, which will run from July to June; and

WHEREAS, Chairman Murphy noted for the record that he wanted to recognize the hard work Mrs. Wines had done in developing a very useful zoning ordinance amendment from the ground up; she obviously put a significant amount of time and research into this effort; and

WHEREAS, Anna Beebe-Sachs and James Sachs of 825 Virginia Avenue appeared before the Commission in support of the ordinance amendments; Mr. Sachs noted that he respected and agreed with most everything that has been put together for the ordinance; he stated the first thing he wanted to address is the proposed minimum lot size, one quarter of an acre, and the maximum flock size of 6 chickens; he noted that they have almost two acres, and they have an existing flock of chickens; he believes that because of the size of their property that they should be grandfathered or that the number of chickens should be flexible related to the size of the property one has; he also noted that he thinks that the license fee is a little high, but Mrs. Sachs noted that she thought the fee is fine; Mrs. Sachs noted that she believes those who have been honest about the fact that they have chickens and have worked with the City, should be grandfathered with the current number; further, she stated that she didn't want to have to tell her 4 year old that they have to get rid of half of his pets; she feels that people who have the acreage should be grandfathered; she further noted that it should depend on whether the owners are being responsible and caring for the flock and have the acreage; they should be allowed to have chickens according to the acreage of the property; and

WHEREAS, Stuart Bain of 636 Pyrtle Drive appeared before the Commission related to the ordinance amendments; he noted that he disagreed with making a new ordinance related to chickens; the City currently has laws on the books that cover animal nuisance, including the smell and the noise; he believes that the City is actually making an ordinance that trumps the existing law and he sees this as unnecessary; he noted that he had sent Mrs. Wines his comments and hopefully the Commission received a copy of those; he noted he felt that the

City would only have to modify Section 106-602 of the ordinance by removing the word

“chicken” from the existing definition of agriculture, and all the concerns we are trying to address are actually taken care of; he noted he was going out on a limb and guesses that the City probably did not receive a lot of complaints about chickens in the last year; Chairman Murphy noted that he thought this would be a fair assessment based on staff comments; he noted that he would hate to see us put an additional work load on licensing, zoning, and Animal Control when it does not really seem to be a problem that needs addressing; he noted that it is his back yard and his neighbors also have chickens, and their coops are right there next to each other in the back corner; it does not make sense to them why they would have to move the coops farther away from each other; he respects the hard work that has been put into drafting the ordinance, but he does not see it as necessary at all; and

WHEREAS, Courtney Pugh of 1305 Turner Street appeared stating that she was there mostly in support of those who have chickens; she noted that she has been friends with several of these families for many years, and their chicken coops have been neater and cleaner than some of her neighbors’ backyards who have dogs; she noted that she is a Cubmaster in Cub Scouts, and they are trying to teach the children to go green and do organic things as much as they can, such as composting and using animal waste for fertilizer; and to her these families are going back to the simple basic principles of taking care of their families and not having to rely on somebody else for their food; she feels that it is cutting away their rights; further, it is great that we have rules on the books for the number of dogs and cats that can be kept, but people do not follow the rules; the people who are wanting to have chickens want them for a reason, and they know that there are responsibilities that come with it; she wants us to give these families the opportunity to show their kids these things before we become a big metropolis and cannot control them; and

WHEREAS, Daniel Newman of 3041 Golf Colony Drive appeared before the Commission related to the amendment; he noted that he is an engineer by trade, and two years ago if someone would have asked him if he owned chickens, he would have told them of course not because they live in a neighborhood; their backyard was a wreck, and there was nothing but weeds in the woods; his wife found something online or in a book regarding chickens, and she told him that she wanted to do this; he told her he would not stand in her way but that he

wasn't necessarily for this; now, he is a convert; it has been extremely interesting to see the

change that has happened within his backyard and with his kids; the perspective that he has now is so different from experience rather than from reading; he knows that a lot of work has gone into the proposed ordinance by reaching out to the Virginia Cooperative Extension and to a lot of people who are the experts; he knows a lot more now than he did a couple of years ago; he noted that there is nothing in the Salem code about dog excrement, but there will be something about chicken excrement; chicken excrement makes great fertilizer, but dog excrement does not make great fertilizer because they eat meat; he noted that there is a lot of information in the proposed ordinance that is great, but he does not feel we should burden Animal Control to enforce the ordinance; he further discussed the setbacks and noted he did not understand the information from the Extension Service; he noted that he felt the people who had chickens in the City know what they are doing based on the small number of complaints; the setback requirement is the biggest problem that he sees with the ordinance; according to the way the ordinance is written, he noted after looking at several parcels on the GIS that would be close to the minimum lot size required, the tractor could only move in a stripe down the very center of the backyards; he noted that the 64 square feet is not large enough; he was not sure he understood the 25' offset and asked if someone could explain the basis for this figure; and

WHEREAS, Mrs. Wines noted that the basis came from trying to come up with a smaller lot to accommodate more owners, but the City also wanted to protect the neighbors so the 25' is a buffer; staff saw this as a way to try to balance everything; and

WHEREAS, Mr. Newman noted that it is his opinion the 25' setback makes it very limiting for some properties to be able to keep chickens; and

WHEREAS, Maggie Newman of 3041 Golf Colony Drive appeared before the Commission stating if she were to discuss everything she wanted to, she would be reiterating what the others have already said; the only other thing she wants to add is that their backyard is the line between the City and Roanoke County; if they were to have to sit the chicken coop 25' off the back line, the house that is behind them is approximately 50 yards back into the woods, so she does not see that it is necessary to have the setback away from the property line; she understands the setback away from an adjacent house but a setback from the property line

does not make sense to her; and

WHEREAS, Mary Burton of 901 Flanders Lane appeared stating that she currently has two hens; she noted that no one knew she had these two hens and they don't bother anyone; they might cluck when they lay an egg once in a while; they are clean and nobody smells them; they do not bark all night like the neighbors' dogs, and they do not stink as bad as the neighbor's kennel; they do not run around like stray cats; they are just nice little chickens and her grandchildren love them; further, if she were to have to move them 15' from the property line would be to put them in the pool; she noted that chickens do not stink, and they are nice pets and friendly people; she does not think that we should regulate them at all; and

WHEREAS, Carrie Cox of 227 Academy Street appeared before the Commission and thanked everyone for the work that has been put into the ordinance; she noted that it has been very impressive to see; she has had her chickens since 2008; she stated that she appreciates the $\frac{1}{4}$ acre lot size because her property is at .27 so she is just barely over the limit; however, the setbacks are one of her main concerns; she noted that she had sent out an email with a map of her property to city staff and others; she explained the problems that she would have to move the chicken tractor around her yard if the setbacks are as proposed in the ordinance; it will limit them to a very tiny portion of their yard to move the tractor around; she noted that she didn't think anyone would want to see it smack dab in the middle of the yard; accessory buildings are only required to be 5' from the property line; the tractor is approximately 8' long, 4' wide, and has a double layer up top to hold six to eight hens; this is much smaller than a shed; it is not taking up that much space, and they just want to be able to move it around; she noted the garden is in the corner of the property, and they move the tractor to the garden twice a year to finish all plants and then to fertilize it afterwards; however, with the proposed ordinance, this would make it illegal for them; and she has the upmost consideration for her neighbors, wants to be a good neighbor to them, and does not want to bother them at all; but she thinks that a setback of 5' to 10' is far more reasonable than 25' and especially 50' from an adjoining structure when the extra difference would have to be made up in her yard; she noted her house was built in 1890, and it was there first; she does not mind that her neighbors' house is only 13' from the property line, it does not bother her; she does not feel she should be penalized for that; she really appreciates all work that went into this and everyone who helped

with it, especially Mrs. Wines; she knows that it was

one of her neighbors who started the whole fuss complaining about their chickens and brought it to the attention of the City; she explained that this neighbor complains about everything they do, and she is one of those people who is not going to be happy about anything; further, they home school their children so this is part of their education; it is a very good experience; she further has a problem with grandfather rights; she has heard the logic that technically the chickens are illegal now so there is nothing to be grandfathered; however, we have been dealing with this issue for four years; before they even got their chickens, the City's Animal Control told them that the chickens were legal; in addition, Animal Control has told her that she would be grandfathered, and she realizes that technically they do not have the right to say that, however, she does not think it is fair to penalize people who are trying to do right; they have been open and honest and have not denied they have chickens; she feels we need to allow people to be grandfathered; and

WHEREAS, Commission Member Robertson noted that every time the Commission has discussed chickens Mrs. Cox's name has been brought up so he knows that she has done a lot of work too, as well as Mrs. Wines, to help the City with the solution; he noted that a lot of work went into the ordinance, and there was not a lot of variance in other locations compared to our proposed ordinance; he believes that it would be impossible to design rules, setbacks, etc. that will work for everybody and permit them to move the tractor to anywhere in the yard that they want to because of the differing distances between houses; in certain parts of the city, the houses are very, very close together; secondly, with regards to the comment that we have not had much problems with chickens, but this is probably because we just have not had that many complaints; however, when we adopt a change or amendment like this one, it opens the door to a lot more people thinking about having chickens for the very first time, and we have to be protective in that regard; so we have to have some guidelines that will help the most people be able to have chickens, and this has been the effort of this task; and

WHEREAS, Chairman Murphy asked if the City Attorney could address the comment about the grandfather rights; Mr. Maxwell stated that his office had determined that the current situation is not permitted by the code and is illegal, and the basic proposition is that we cannot grandfather something that is illegal to begin with; he feels this is generally a valid

principle; and

WHEREAS, Mrs. Cox noted that we are not talking about a fence post, we are talking about living things that their children are attached to; Mr. Maxwell noted that this is a general proposition, and he was not denying that there could be an exception as part of the ordinance; if it is unexpressed, then this would be the general rule; and

WHEREAS, Maggie Newman appeared and stated she appreciated Mr. Maxwell's clarification, but she noted we also need to consider that Animal Control Officers have been telling them that they cannot enforce the code that is currently in place; they have not been cited for anything or asked them to remove the chickens; this is why they are concerned about the grandfathered rights; because if we cannot enforce it now, then maybe we can work out some kind of grandfather agreement; and

WHEREAS, Mrs. Cox noted Commission Member Robertson mentioned it would open the door for more people to have chickens; when she met with the Mayor and several others years ago, this was one of the issues, and the extra work that it would create; it was also discussed that Roanoke City already allowed chickens; with this being a new trend and rising movement, how much work has it created for them? Have they seen a lot of extra work as more people have gotten chickens? She contacted Roanoke City to see if in fact it was causing more work, and they laughed at her; she explained to them why she was inquiring because Salem was considering adopting an ordinance, and that we wanted to know if it has caused any additional work; they told her that it had not caused additional work; it may cause an increase in the number of people who want them but so far what other localities have indicated is that it has not increased the work load; she further discussed the grandfather rights and noted the conflict between the city code and the zoning ordinance; she does not feel it is right to penalize those who are trying to do the right thing; and

WHEREAS, Vice Chair Daulton asked Mrs. Cox what part of the ordinance did she want to be grandfathered; is she referring to the setbacks or the number of chickens; Mrs. Cox noted that her main issue is the setbacks; with the setbacks proposed, the tractor will only be allowed in the center of their yard; she further discussed that there are no setbacks for dogs, and she does not feel it is fair; she feels that they have been trying to do the right thing and perhaps we might need to look at it on a case by case basis; and

WHEREAS, Maggie Newman appeared noting she also wanted to address Vice Chair Daulton's question; she noted that they currently have 12 chickens, and they have one-half an acre; so they have double the amount of area necessary for six chickens and feel that 12 is a reasonable number; also, they have a very large family with four children; six chickens do not give them enough eggs; they would like to be grandfathered for the 12 chickens they currently have; and

WHEREAS, Mary Burton noted that we do not have setbacks for any other pets, she does not understand how chickens got the bad name; and with regards to the agricultural use in residential zoning, she wonders if we will soon not be allowed to have backyard gardens; this is worrying her, too; and

WHEREAS, Anna Beebe-Sachs appeared noting that her issue is with the number of chickens allowed; they currently have 19 chickens, 5 full-size hens and the rest are miniatures or Bantam chickens; they do not take up as much space, and they have two acres of land; if we were to go by the one-quarter acre for six chickens, then they would be fine; but if we go by the rule that you have to have a minimum of one-quarter acre and are only allowed six chickens period, then they would have to get rid of 13; she noted that two of the Bantam eggs make one regular size egg; they feel they have enough property and would like to be able to keep the chickens they have without destroying their son's feelings; she noted that the chickens are their son's; and

WHEREAS, Chair Murphy noted that the Commission makes a recommendation to City Council, and the Commission appreciates the comments received; he noted they heard very legitimate concerns, complaints, and recommendations; consequently the duty of the Commission is to make sure the ordinance is fair and concise, and he wants each and everyone to know that City Council is the body responsible for approving the ordinance; they will make their decision regardless of the action taken by the Planning Commission this evening; he strongly urged those present to attend the City Council meeting on June 11th to voice their concerns; further, he personally does not think that this needs to be regulated, but the fact of the matter is after listening to the issues and comments, it should be regulated; and

WHEREAS, Commission Member Carter noted that several of speakers said they have

more land than the one-quarter acre, and our proposed rule stipulates that six chickens per

one-quarter acre or more land; he asked if the City considered allowing additional chickens if they had more area than the required one-quarter acre; Mrs. Wines noted that most standards are one to two acres for six hens, and the City decided to lower this to try to accommodate the citizens who already had them; she further noted that it was thought that by lowering the required area, it would encompass more residents; Commission Member Carter noted that he understood the need for setbacks, but there did not seem to be any adjacent neighbors to speak to this; further, he noted that she had answered the question, so he was ok with this; and

WHEREAS, Ms. Burton asked Mrs. Wines why the City felt that a regulation was necessary; Mrs. Wines noted that staff was tasked by City Council to research and develop an ordinance due to ongoing issues related to residents who already owned chickens; further, staff did not just decide that we needed to have an ordinance; and

WHEREAS, Ms. Burton noted that she thought since she was a regulator, that she wanted to regulate the chickens; Mrs. Wines noted that this was not the case; Ms. Burton asked if this was requested by City Council asking for the ordinance; Mrs. Wines noted that it all started a few years ago due to complaints that the City received regarding chickens in neighborhoods; further, Mrs. Wines noted that the City is trying to take into account the feelings and needs of all the citizens; and

WHEREAS, Stuart Bain asked if he could get rid of his chickens and put ducks, geese, or other types of birds in his coop; Mrs. Wines noted that this would not be permissible; she noted that under the agriculture definition that the others are not allowed in a residential neighborhood; she noted the proposed urban agriculture will allow citizens to keep chickens; and

ON MOTION MADE BY COMMISSION MEMBER ROBERTSON, SECONDED BY COMMISSION MEMBER CARTER, AND DULY CARRIED, the Planning Commission of the City of Salem doth recommend to the Council of the City of Salem that Chapter 106, Article III Use and Design Standards, Section 106-316.3(C) Accessory uses: residential use types and Section 106-318 Urban Agriculture, and Article VI Definitions and Use Types, Section 106-602.1 Agricultural use types of THE CODE OF THE CITY OF SALEM, VIRGINIA pertaining to urban agriculture be amended as follows:

Article II District Regulations

Sec. 106-316.3. Accessory uses: residential use types.

(C) Urban Agriculture shall be a permitted accessory use in accordance with Section 106-318.

Sec. 106-318. Urban Agriculture

Sec. 106-318.1. Keeping of chickens.

(A) Intent:

The keeping of chickens supports a local, sustainable food system by providing an affordable, nutritious food source of fresh eggs. These regulations are to provide appropriate standards for the keeping of chickens within an urban residential environment, while protecting the residential integrity of the surrounding neighborhood and the health and safety of the chickens.

(B) General Standards:

Keeping of chickens, as defined herein, shall be permitted as an accessory use to single family dwellings if (i.) the use is conducted at the applicant's place of residence, (ii.) the use is conducted for personal household consumption only, and (iii.) subject to the following conditions:

1. Each parcel shall contain one single family dwelling and must have a minimum lot size of one-quarter acre (10,890 square feet).
2. Chickens are defined herein as domestic female chicken hens. Roosters are prohibited.
3. Chickens shall be kept for the household's personal consumption only. Commercial use such as selling eggs or selling chickens for meat shall be prohibited.
4. There shall be no slaughtering or processing of chickens.
5. No more than 6 chickens shall be allowed.
6. Adequate shelter, care and control of the chickens are required. Any person allowed to keep chickens under this section shall comply with all of the provisions and requirements of the City and State Code regarding care, shelter, sanitation, health, rodent control, cruelty, neglect, noise, reasonable control and any other requirements pertaining to, but not limited to, the adequate care and control of animals in the city.

7. The owner of the chickens shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions may be removed by an animal control officer.
8. Chickens shall not be allowed to roam free. They shall be kept in an enclosed secure area not to exceed a total of 64 square feet, herein after known as a pen. Pens shall include a coop (enclosed structure) containing a minimum of 1.5 square foot per hen and an open run area containing a minimum of 8 square feet per hen. Pens may be portable.
9. The materials used for pens shall be uniform and kept in good condition. To protect the safety of the chickens, the use of scrap, waste board, sheet metal, similar materials, or any materials which are rusted or have sharp edges, is prohibited.
10. All pens must be at least 25 feet from the property lines and no closer than 50 feet from any adjacent principal structure, situate on an adjacent parcel, other than that of the owner of the chickens. Portable pens shall be moved on a regular basis.
11. All pens shall be located in the rear yard only.
12. All pens shall be located out of any drainage areas that could allow fecal matter to enter a storm drainage system or stream.
13. All pens shall be constructed and maintained so as to be impermeable to rodents, wild birds, and predators, including dogs and cats, and to prevent such animals or other pests from being harbored underneath, inside, or within the walls of the enclosure. All pens must be kept dry, well-ventilated, and in sanitary condition at all times, and must be cleaned on a regular basis to prevent offensive odors. All manure not used for composting or fertilizing shall be removed promptly. Odors from chickens, manure, or other chicken-related substances shall not be detectable at the property boundaries.
14. All feed or other material intended for consumption by the chicken shall be kept in containers impenetrable by rats or other rodents, and such container shall be equipped with tightly fitting caps or lids. All feeding shall be conducted in a manner so as to prevent unconsumed food from being accessible to other animals or rodents. The presence of rodents in an area used for the keeping of chickens shall be prima facie evidence that such area is maintained in violation of this section.
15. Composting of chicken litter and waste on site is highly encouraged. If any litter and/or waste is to be disposed of, it must be double bagged and securely

closed and deposited in either a City approved receptacle or taken to the City Transfer Station. Also, any dead chickens shall also be double bagged and securely closed and deposited in either a City approved receptacle or taken to the City Transfer Station.

16. Disposal of litter, waste, and dead chickens on public land or in the sewage or stormwater collection system is strictly prohibited.

(C) Administration

1. Persons wishing to keep chickens pursuant to this subsection must file an application with the Animal Control Office. The application shall include a sketch showing the area where the chickens will be housed and all types and size of enclosures in which the chickens will dwell along with a twenty-five dollar fee. The sketch must show all property dimensions and setbacks. Once the site and enclosures have been inspected and approved by the City's Animal Control Officer, a permit will be issued. The permit shall be valid for one year. Each existing permit must be renewed annually in January by filing an application with the City's Animal Control Office, along with payment of a twenty-five dollar renewal. The animal control officer shall make another inspection of the site, prior to the approval of the renewal application.
2. City Animal Control Officers will have the right to make periodic unannounced inspections of the property to ensure the compliance with the requirements of the permit. Any violations found may subject the owner to revocation of their permit and to criminal charges as provided herein.
3. The provisions of this section shall be enforced by the zoning administrator and such enforcement authority may be delegated by the Administrator to the Animal Control Office or other departments of the City.
4. Any person violating any of the provisions of this section shall be deemed guilty of a class 4 misdemeanor. Each day a violation continues shall constitute a separate offense.
5. The keeping of chickens in AG – Agriculture District shall conform with the requirements of Section 106-302 herein, and shall not be subject to the provisions of Section 106-316.3 and Section 106-318.

Article VI Definitions and Use Types

Sec. 106-602.1 - Agricultural use types.

(Ord. of 3-14-05(2))

Cross reference— Animals, ch. 14.

-- the roll call vote: all present - aye.

In re: Consider adopting resolution of recommendation regarding “The Comprehensive Plan for the City of Salem.” “The Comprehensive Plan for the City of Salem” addresses housing, education, economic development, open space, city government, transportation/infrastructure, and land use in addition to other information.

The Executive Secretary reported that this date and time has been set to hold a public hearing to consider adopting a resolution of recommendation regarding “The Comprehensive Plan for the City of Salem;” “The Comprehensive Plan for the City of Salem” addresses housing, education, economic development, open space, city government, transportation/infrastructure, and land use in addition to other information; and

WHEREAS, the Executive Secretary further reported that notice of such public hearing has been published in the May 2 and 9, 2012, issues of The Roanoke Times; and

WHEREAS, Jay Taliaferro, Assistant City Manager and Executive Secretary, appeared before the Commission discussing the process for the Comprehensive Plan update; first, he noted that he wanted to thank the Planning Commission and City Council for all of their time volunteering for early morning work sessions to discuss the plan; he further noted there were several citizen volunteers who assisted with the update: Michelle Darby, David Robbins, David Wells, Kathy Elam, and Bob Smith; he also thanked City staff members for their assistance: Kevin Boggess, Melinda Payne, Mary Ellen Wines, Benjamin Tripp, Chuck VanAllman, Judy Hough, Will Simpson, Caleb Taylor, Angela Sellers, and Todd Sutphin; he noted that staff members spent a lot of hours on the project; Commission Member Carter noted that Mr. Taliaferro needed to be commended, too; all Planning Commission members in attendance agreed with Commission Member Carter; and

WHEREAS, Mr. Taliaferro noted that the plan presented to the Commission is an update to the 2003 adopted plan; he stated that the 2003 plan was a major milestone for the City of Salem – the plan was developed with a lot of citizen input, and there was a lot of brainstorming that went into the plan; further, it was really a transition document from the five- to ten-page document that the City had previously; in 2008 the Planning Commission looked through the existing plan and adopted a resolution stating the plan had been reviewed and was adequate for the near future for the City; around 2010 with this update, the City decided it was time for an overhaul as there had been some changes on City Council and some changes in key staff and it was really a good time to go back and review the document; he noted that a lot of the foundation from the 2003 plan was used in the proposed 2012 plan; staff felt the seven areas that were identified in the 2003 plan were important areas then and are still important today; he noted the areas are: economic development, government services, education, housing, land use, open space, and infrastructure; the areas were revised, and a lot of the revisions were based on citizen input; he noted the presentations around the room show the ideas that were incorporated into the plan, and those ideas were directly from citizen input; one opportunity with the plan revision was using technology for input; he further discussed the technology, i.e. emails and website comments; with the development of the plan, two public meetings were held in March 2011 at the Salem Civic Center; over 100 citizens came out for the meetings and had the opportunity to talk to the Commission, City Council, and staff; the present draft was posted online in April, and last week another public meeting was held on May 7th; the presentation signs were part of it to show everyone what was presented in the plan, and also, to give citizens an opportunity to discuss; with the plan, there is updated demographic data, updated strategies and goals, and objectives for the seven areas mentioned, and the maps have been updated as well; he further discussed the “Future Generalized Map” noting that it is an important planning document for the City; based on input from citizens, the Planning Commission, and City Council, three new categories have been created for future land use: a downtown category, a mixed-use category, and a transitional category; he further discussed the three new categories; he noted for the Commission’s consideration this evening are three resolutions, and members of the Commission have the opportunity to choose one of those

resolutions; the first resolution is to

recommend approval of the Comprehensive Plan as presented; the second is to recommend denial of the plan; and the third is to recommend approval with any amendments to the plan that the Commission would like to make; he noted that his presentation was concluded and that he would be glad to answer any questions; and

WHEREAS, Daniel Newman of 3041 Golf Colony Drive appeared asking about the "Future Generalized Land Use" map; Mr. Taliaferro noted that the map is a snapshot of what we would envision Salem in the future; he also noted the other two maps, the "Existing Generalized Land Use" and "Tax Exempt"; the "Existing Generalized Land Use" map is based on land use today, and the "Tax Exempt" map shows all properties in the City that are not taxed, whether they are owned by government, churches, or by some entity that is tax exempt; further, it was noted that the plan is available on the City's web site; Mr. Newman asked if the plan incorporates agriculture; Mr. Taliaferro noted that it is related but it is not directly related like zoning; he indicated the zoning map located on the wall, and the zoning ordinance contains specific laws and regulations on how we do things; further, the Comprehensive Plan is a more general guide on how we want to get where we want to be in the future; there was further discussion related to urban agriculture and the Comprehensive Plan; and

WHEREAS, Carrie Cox of 227 Academy Street appeared stating she commends the City for the work on the Comprehensive Plan; she specifically loves the addition of the downtown area in the plan; and

WHEREAS, Vice Chair Daulton thanked staff members for their diligence in working with the Commission and citizens and helping to guide everyone with the rules and regulations in the process; and

WHEREAS, Chair Murphy noted that it has been a long, long process; he noted that this is one of those exercises that the City goes above and beyond trying to recruit citizen comments; the Comprehensive Plan is visionary for the future; it is a dynamic document from the standpoint that it has to obviously change with time and happenings; certainly directions that may better suit the City five years from now as opposed to the current situation; it is constantly being reviewed; further, it is supposed to be more general than specific;

ON MOTION MADE BY VICE CHAIR DAULTON, SECONDED BY COMMISSION MEMBER CARTER, AND DULY CARRIED, the following resolution was duly passed and adopted as follows:

RESOLUTION

WHEREAS, at a regularly scheduled meeting on the above date, there was presented the Comprehensive Plan for approval, amendment and approval, or disapproval, as required by the provisions of §15.2-2225 of the 1950 Code of Virginia, as amended; and

WHEREAS, notice has been given, in accordance with §15.2-2204 of the 1950 Code of Virginia, as amended, that a public hearing on the Comprehensive Plan shall be held at the regularly scheduled meeting on the above date; and

WHEREAS, the public hearing, as required, has been held.

BE IT RESOLVED BY THE PLANNING COMMISSION FOR THE CITY OF SALEM, VIRGINIA that:

(1) The Comprehensive Plan as presented is hereby approved and recommended for approval to the Council of the City of Salem, Virginia.

(2) A certified copy of this Resolution shall be presented to the Council of the City of Salem, Virginia.

Upon a call for an aye and a nay vote, the same stood as follows:

Samuel R. Carter III - Aye
Bruce N. Thomasson - Absent
Jimmy W. Robertson - Aye
Vicki G. Daulton - Aye
Terrance D. Murphy - Aye

There being no further business to come before the Commission, the same on motion adjourned at 8:27 p.m.

Executive Secretary

Chair